

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Proposing rule making related to public safety survivor benefits fund and providing an opportunity for public comment**

The Public Safety Department hereby proposes to adopt new Chapter 292, “Public Safety Survivor Benefits Fund,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in 2019 Iowa Acts, Senate File 615, section 38.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, Senate File 615, section 38.

*Purpose and Summary*

The purpose of proposed Chapter 292 is to create the parameters that will regulate the distribution of the public safety survivor benefits fund. The rules in Chapter 292 include the application process and describe how organizations eligible for funding will be chosen by the Department.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 1, 2019. Comments should be directed to:

Chandlor Collins  
Department of Public Safety  
Oran Pape State Office Building  
215 East 7th Street  
Des Moines, Iowa 50319  
Phone: 515.725.6185  
Email: [collins@dps.state.ia.us](mailto:collins@dps.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following new 661—Chapter 292:

#### CHAPTER 292 PUBLIC SAFETY SURVIVOR BENEFITS FUND

**661—292.1(80) Purpose.** These rules establish the operation of the public safety survivor benefits fund. This fund shall be used to assist the surviving families of eligible peace officers and fire fighters killed in the line of duty with the payment of costs associated with accident or health care coverage pursuant to Iowa Code section 509A.13C.

**661—292.2(80) Definition.** For the purposes of this chapter, “eligible peace officer or fire fighter” means a peace officer as defined in Iowa Code section 801.4, or a fire fighter, to which a line of duty death benefit is payable pursuant to Iowa Code section 97A.6(16), 97B.52(2), or 411.6(15).

**661—292.3(80) Fund eligibility.** To be awarded funding from the public safety survivor benefits fund, an applicant shall be a nonprofit organization that provides resources to assist the surviving families of eligible peace officers or fire fighters killed in the line of duty.

**661—292.4(80) Procedure.** Applications for the public safety survivor benefits fund shall be submitted to the Iowa Department of Public Safety, Commissioner’s Office, 215 East 7th Street, Des Moines, Iowa 50319. Applications shall be submitted annually by November 1.

**292.4(1) Application process.** An application shall contain all of the following:

- a. The name and address of the organization,
- b. Articles of incorporation of the organization,
- c. The mission statement of the organization,
- d. The employment identification number (EIN) of the organization,
- e. A statement proposing how the grant will be used for the surviving families of eligible peace officers or fire fighters, and
- f. Any other details that the department may deem useful in the evaluation of an award of the grants as set forth in this chapter.

**292.4(2) Award determination.**

a. The commissioner of the department or the commissioner’s designee shall review the applications and determine the organizations to receive grant funding. At least one organization for the surviving families of peace officers and one organization for the surviving families of fire fighters shall be chosen each year. Organizations shall be notified annually by December 1.

b. The department shall give first consideration to:

- (1) Iowa Concerns of Police Survivors, Inc., and similar nonprofit organizations.
- (2) Iowa Professional Fire Fighters, Inc., and similar nonprofit organizations.

**292.4(3) *Award disbursement.*** Chosen organizations shall receive the award by January 1.

**292.4(4) *Report required.*** All organizations receiving funding shall file a report with the department no later than July 1 for each year that funding is received. The report shall contain all of the following:

- a.* The number of surviving families that received benefits associated with accident or health care coverage from the nonprofit organization,
- b.* The number of surviving families that were denied benefits,
- c.* The amount of actual benefits paid to each surviving family,
- d.* The total amount of administrative costs associated with providing benefits to surviving families.

These rules are intended to implement Iowa Code section 80.47 as enacted by 2019 Iowa Acts, Senate File 615, section 38.